

¹ Appellant was a 45-year-old firefighter (hazmat technician) at the time of the March 26, 2010 employment injury.

The Federal Employees' Compensation Act and its implementing regulations provide for the reduction of compensation for subsequent injury to the same scheduled member.² Benefits payable under 5 U.S.C. § 8107(c) shall be reduced by the period of compensation paid under the schedule for an earlier injury if: (1) compensation in both cases is for impairment of the same member or function or different parts of the same member or function; and (2) the latter impairment in whole or in part would duplicate the compensation payable for the preexisting impairment.³ The record in the instant case, however, does not contain any evidence relating to the development of the schedule awards in OWCP File Nos. xxxxxx599 and xxxxxx586. The Board is therefore unable to determine whether the schedule awards received for the right lower extremity impairment in these files is duplicative of that in the current file. The Board finds that the medical evidence contained in File Nos. xxxxxx599 and xxxxxx586 will necessarily bear directly on appellant's claim for compensation in File No. xxxxxx663 and thus these files should be combined.⁴

Because it is essential for the Board to review the medical evidence contained in File Nos. xxxxxx599 and xxxxxx586 in order to render a full and fair adjudication of the present appeal, this case will be remanded for OWCP to consolidate case File Nos. xxxxxx599 and xxxxxx586 and File No. xxxxxx663. Reconstruction and proper assemblage of the record will be followed by any necessary further development and a *de novo* decision on the merits of the claim, in order to protect appellant's appeal rights.

² 5 U.S.C. § 8108, 20 C.F.R. § 10.404 (c).

³ 20 C.F.R. § 10.404(c)(1), (2).

⁴ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8 (February 2000).

IT IS HEREBY ORDERED THAT the May 3, 2011 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: May 9, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board